

Notice of Rejection Reasons

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Number of Patent Application: Application No. 10-307107

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Examiner of Patent Office: Tetsuya Furukawa

Agent for Applicant: Iwao Mihina

Applied Provisions: Article 29 Paragraph 1; Article 29 Paragraph 2; Article 36; Article
37

The present application shall be rejected for the following reasons. In the event the applicant is willing to argue against this finding, it is required to present a written argument within 60 days from the mailing date of this notice.

Reasons

<Reason 1>

The present application does not meet the requirements stipulated in the Article 37 of the Patent Law in the following points.

What are described in claims 1-9 are common in the points of "digital data" being added to "animation image data" by means of "variations per time unit" of "color of a part or a whole of animation image data", but such matter had been a well known technology as described, for instance, in any of the cited references 1-7.

In this light, what are described in claims 1, 2, 4, 6 and 8 are related to conducting data communication using the above said well-known technology of "adding digital data to animation image data by means of varying color of a part or a whole of animation image data per time unit whereas what are described in claims 3 and 7 are directed to creating "animation image data" using the above said well-known technology, and in said claims 3 and 7 there are not described anything in respect of transmitting "animation image data". Meanwhile, what are described in claims 5 and 9 are relevant to employing, as "data for video game", the "digital data" added to animation image data by use of the above said well-known technology and then transmitted.

Therefore, each of the inventions described in claims 1, 2, 4, 6 and 8 of the present

application, each of the inventions described in claims 3 and 7 and each of the inventions of claims 5 and 9 are not same as to the subject to be solved (that is, unsolved up until the filing of the present application) and moreover not same in regard to the essential part of matters indispensable for the constitution (that is, matters related to the novel constitution corresponding to the subject to be solved).

<Reason 2>

The inventions recited in the herein below described claims of the present application shall not be patented because they are the invention described in the herein below described publication distributed before the time of the application in the country of Japan or a foreign country and fall within the purview of the Article 29 Paragraph 1 Item 3 of the Patent Law.

<Reason 3>

The inventions recited in the herein below mentioned claims of the present application shall not be patented in accordance with the provision of the Article 29 Paragraph 2 of the Patent Law because they could have been easily invented by a person having ordinary skill in the field of art to which the inventions belong before the time of the application on the basis of those inventions described in the herein below described publications already distributed in the country of Japan or a foreign country before the time of the application.

Accounts

(As for the cited references, it is asked to refer to a list of cited references.)

Claims: 1-9

Reasons: 2 and 3

Cited references: 1-7

Remarks:

What are described in the cited references 1-7 are all related to shooting game machines in which technologies are described for detecting variations per time unit of color of a part or a whole of animation image data received through a photo detector and then using the detected as data to determine whether a target is hit or not, and therefore it is recognized that in the cited references, color of a part or a whole of animation image data is varied per time unit to thereby create animation image data with digital data added thereto and said digital data is used for video game.

With reference to the technologies of transmitting animation image data,

reference would be made in particular to the descriptions put in the paragraph [0054] and the Figure 12 of the drawing of the cited reference 1.

<Reason 4>

The present application does not meet the requirement prescribed in the Article 36 Paragraphs 4 and 6 of the Patent Law, because the description of the specification and drawing of the present application are deficient in the following points.

Accounts

- (1) Only from the descriptions of claims 1-9, it is technically unclear what "digital data" is added to "animation image data" or what "digital data" is extracted from "animation image data" at "receiving terminal".
- (2) Only from the respective descriptions of claims 5 and 9, it is not at all specified technically and thus unclear how the "data" extracted from "animation image data" is used as "data for video game".

Furthermore, for the reasons of the above said (1) and (2), it could not be grasped from the descriptions of the detailed explanation of invention of the specification of the present application that what are described in claims 1-9 can solve the subject described in the specification and thereby attain the function and effect.

Accordingly, the specification and drawing of the present application lacks adequate descriptions as ruled by the ordinance of the Ministry of Economy and Industry stipulated in the Article 36 Paragraph 4 of the Patent Law and is insufficient for a skilled artisan in the art to exactly understand the matters described in the claim.

A List of Cited References

1. Japanese Patent Application Laid Open No. 10-118338 official gazette
2. Japanese Patent Application Laid Open No. 53-105100 official gazette
3. Japanese Patent Application Laid Open No. 55-112636 official gazette
4. Japanese Patent Application Laid Open No. 08-280937 official gazette
5. Japanese Patent Application Laid Open No. 09-034728 official gazette
6. Japanese Patent Application Laid Open No. 09-313738 official gazette
7. United States of America Patent 4844476 specification (class 273/312)

Record of Results of Investigation of Prior Art References

Field of Art Searched

IPC the 7th Edition

H04N7/24-7/68

A63F13/00-13/12

Prior Art References

United States of America Patent 3993861 specification (class 178 /5.6)

United States of America Patent 4613904 specification (class 358/142)

United States of America Patent 5073931 specification (class 380/23)

International Publication No. 98/07485 Pamphlet

This record of results of investigation of prior art references does never constitute the rejection reasons.

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拒絶理由通知書

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特許庁審査官	古川 哲也 9746 5P00
特許出願人代理人	三品 岩男 様
適用条文	第29条第1項、第29条第2項、第36条、第37条

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

理 由

1. この出願は、下記の点で特許法第37条に規定する要件を満たしていない。

記

請求項1-9に記載のものは、「動画像データの一部又は全部の色」の「単位時間毎の変化」により、「デジタルデータ」が「動画像データ」に付加されている点で共通するが、上記事項に関しては、例えば引用文献等1-7の何れにも記載されているように周知技術である。

してみると、請求項1, 2, 4, 6, 8に記載のものが「動画像データの一部又は全部の色を、単位時間毎に変化させることにより、デジタルデータを動画像データに付加」する上記の周知技術を用いてデータ通信を行うものであるのに対し、請求項3, 7に記載のものは上記周知技術を用いて「動画像データ」を生成するものに関し、該請求項3, 7は「動画像データ」を伝送する点に関しては何ら記載されていないものである。また、請求項5, 9に記載のものは、上記周知技術を用いて動画像データに付加して伝送された「デジタルデータ」を「ビデオゲーム用のデータとして使用する」ものに関する。

そのため、この出願の請求項1, 2, 4, 6, 8に記載された発明の各々と、請求項3, 7に記載された発明の各々と、請求項5, 9に記載された発明の各々とでは、(この出願の出願時まで未解決であった) 解決しようとする課題が同一でないし、(解決しようとする課題に対応した新規な構成に係る事項である) 構成に欠くことのできない事項の主要部も同一でない。

2. この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明であるから、特許法第29条第1項第3号に該当し、特許を受けることができない。

3. この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

請求項: 1-9

理由: 2, 3

引用文献: 1-7

備考:

引用文献1-7に記載のものは、何れもシューティング型のゲーム装置において、受光手段により受光された動画像データの一部又は全部の色の単位時間毎の変化を検出して、目標物に命中したか否かを判定するためのデータとして使用する技術が記載されており、動画像データの一部又は全部の色を単位時間毎に変化させることによって、デジタルデータを付加した動画像データを生成し、ビデオ

